

Message Text

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ACTION EUR-12

INFO OCT-01 AF-06 IO-10 ISO-00 SAM-01 CIAE-00 PM-03 H-01

INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 EURE-00 /073 W

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P R 101858Z FEB 75

FM AMEMBASSY LISBON

TO SECSTATE WASHDC PRIORITY 1700

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY LONDON

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AMCONSUL PONTA DELGADA

C O N F I D E N T I A L LISBON 794

E.O. 11652: GDS

TAGS: PINT, MILI, PO

SUBJ: NATIONAL SALVATION JUNTA POWERS INCREASED

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REF: LISBON 654 (NOTAL)

SUMMARY: PORTUGUESE CONSTITUTION AMENDED TO GRANT SIGNIFICANT NEW POWERS TO NATIONAL SALVATION JUNTA. JUNTA NOW ABLE TO PASS CERTAIN TYPES OF LEGISLATION, AS WELL AS JUDGE THOSE RESPONSIBLE FOR POLITICAL AND OTHER CRIMES OF OLD REGIME. LAW, ALTHOUGH WATERED DOWN BEFORE ISSUANCE, WILL GIVE ARMED FORCES MOVEMENT (AFM) MEANS TO BYPASS CIVILIAN OPPOSITION IN CABINET AND TAKE MORE DIRECT LEGAL ROLE IN GUIDING COUNTRY'S FUTURE COURSE. BOTH PPD AND SOCIALIST PARTY LEADERS STRONGLY CRITICAL OF NEW LAW. END SUMMARY

1. COUNCIL OF STATE IN FEB. 7 SESSION DISCUSSED AND PASSED BY VOTE 16-5 CONSTITUTIONAL AMENDMENT (REFTEL WHICH GREATLY INCREASES POWERS OF NATIONAL SALVATION JUNTA (JSN), OFFICIAL GUARDIAN OF AFM PROGRAM. OFFICIAL VERSION OF NEW CONSTITUTIONAL AMENDMENT NOT YET PUBLISHED IN DIARIO DE GOVERNO, AND PRESS REPORTS SKETCHY. OUR SOURCES HOWEVER, INDICATE THAT JUNTA WILL NOW HAVE POWERS TO: (A) LEGISLATE COMPLETE DISMANTLING OF OLD REGIME INSTITUTIONS; (B) PURGE AND "MOALIZE" NATIONAL LIFE; (C) ACT AGAINST THOSE WHO WOULD HARM NATIONAL ECONOMY AND UPSET NATIONAL TRANQUILITY; (D) JUDGE THOSE RESPONSIBLE FOR POLITICAL OR COMMON CRIMES OF OLD REGIME. JUNTA LEGISLATION WILL STILL REQUIRE COUNCIL OF STATE APPROVAL.

2. WE UNDERSTAND FROM RELIABLE SOURCE CLOSE TO COUNCIL OF STATE THAT ORIGINAL VERSION OF AMENDMENT CONSIDERABLE WATERED DOWN AS RESULT OF OPPOSITION BY FOUR OR FIVE CIVILIAN MEMBERS OF COUNCIL. ORIGINAL VERSION, SUPPORTED BY ALL MILITARY MEMBERS OF COUNCIL EXCEPT PRESIDENT, WOULD HAVE GIVEN JUNTA WIDE-RANGING POWERS TO: DISSOLVE ANY ORGANIZATION THAT IS "AGAINST SPIRIT OF NEW PORTUGUESE DEMOCRATIC STATE," FORBID POLITICAL PARTICIPATION OF ANYONE WHO BEFORE OR AFTER COUP HAS NOT GIVEN GUARANTEES FAVORING INTERESTS OF WORKING CLASSES AND PROGRESSIVE FORCES; WATCH OVER AND CONTROL ECONOMIC AND SOCIAL ACTIONS TO PREVENT ECONOMIC SABOTAGE; PURGE ANYONE IN GOVERNMENT OR PRIVATE SECTOR WHEN NECESSARY; PREPARE AN ANTI-CORRUPTION STRATEGY FOR PRIVATE AND PUBLIC SECTOR; ABOLISH ALL PARTIES AND GROUPS PRACTICING OR DEFENDING FASCISM; DISMANTLE POLICE AND PARAMILITARY ORGANIZATIONS WHICH HAVE SUPPORTED FASCISM.

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3. PRESIDENT INTRODUCED BILL TO COUNCIL WITH REMARK THAT AMPLE DISCUSSION SHOULD PRECEDE VOTE SINCE BILL CONTROVERSIAL. CIVILIANS ON COUNCIL CRITICIZED BILL AS TOO VAGUE AND ALL-INCLUSIVE. DIOGO FREITAS DO AMARAL (HEAD OF CENTER SOCIAL DEMOCRATIC PARTY) THEN SUGGESTED THAT COMMITTEE REDRAFT BILL. WE ARE TOLD THAT IN THIS 5-MAN COMMITTEE MOST OBJECTIONABLE AND VAGUE PROVISIONS SLICED OUT BY SKILLFUL MANEUVERING OF HENRIQUE DE BARROS (SOCIALIST PARTY) AND FREITAS DO AMARAL.

4. CIVILIAN OPPONENTS OF THIS LAW STILL REMAIN CRITICAL AND SUSPICIOUS OF ITS IMPLICATIONS. FOR EXAMPLE, A LEADING SOCIALIST, JAIME GAMA, IN FEB. 10 DIAIRO DE NOTICIAS COMPLAINED THAT NEW LAW REPRESENTS A /PROFOUND ALTERATION" IN CONSTITUTION, AN ARBITRARY AND UNILATERAL ACT WHICH SHOULD HAVE HAD FORMAL BLESSING OF COALITION PARTIES.

5. COMMENT: SEVEN MEMBER JSN, INACTIVE SINCE SPINOLA DEPARTED, IS COMPOSED OF CHIEF AND DEPUTY CHIEF FROM EACH OF ARMED FORCES PLUS PRESIDENT COSTA GOMES. IT REMAINS TO BE SEEN WHETHER JUNTA WILL USE ITS NEW POWERS TO BYPASS RESISTANCE OF SOCIALISTS AND PPD MODERATES IN CABINET TO "REVOLUTIONARY LEGISLATION." GIVEN UNANIMOUS MILITARY SUPPORT FOR ORIGINAL DRAFT, WE SUSPECT THAT AFM WILL CONTINUE TO SEEK WAYS TO PURGE REMNANTS OF OLD REGIME AND TO PUSH INCREASINGLY RECALCITRANT CIVILIAN PARTIES IN DIRECTION DESIRED BY AFM. AS ELECTIONS DRAW NEAR, MILITARY--INSIDE AFM AND OU-- ARE SEEKING TO FORMALIZE THEIR WATCHDOG ROLE IN GOVERNMENT'S DECISION-MAKING PROCESS. THIS LAW IS FIRST STEP IN THAT DIRECTION.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTITUTIONAL LAW, JUNTA, ARMED FORCES, INTERIM GOVERNMENT, GOVERNMENT REFORM, POLITICAL PARTIES
Control Number: n/a
Copy: SINGLE
Draft Date: 10 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ellisoob
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975LISBON00794
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750048-0334
From: LISBON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750257/aaaabzpe.tel
Line Count: 137
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 LISBON 654
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 04 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 APR 2003 by BoyleJA>; APPROVED <15 SEP 2003 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NATIONAL SALVATION JUNTA POWERS INCREASED CONFIDENTIAL
TAGS: PINT, MILI, PO, JSN-NATIONAL SALVATION JUNTA
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006